

NSUNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**14 4010**

Bin Kang, PhD

YAN YAN

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

City of Philadelphia,

Dept. of Probation Office

Dych, Timothy

University of Pennsylvania

Leo Spader, University Police

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	Bin Kang	Yan Yan
	Street Address	135 N. 9th St	
	County, City	Philadelphia	
	State & Zip Code	PA 19107	
	Telephone Number		

USDC-EDPA
REC'D CLERK

2014 JUN 28 A 11:19

COMPLAINT with Exhibit I, II, IIIJury Trial: ☒ Yes ☐ No

IV V

(check one)

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Dept of Probation office, Dych Timothy
 Street Address 1515 Arch Street, 14th Floor
 County, City Philadelphia
 State & Zip Code PA 19103

Defendant No. 2 Name Collection Center
 Street Address 3001 State St
 County, City Philadelphia
 State & Zip Code _____

Defendant No. 3 Name University Pennsylvania, Leo Spender
 Street Address 3401 Spruce Street
 County, City Philadelphia
 State & Zip Code PA 19104

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

- A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions ☐ Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue?

1. Family and Medical Leave Act (FMLA)
2. First, Fourteenth Amendment of the United States
Constitution, and 42 U.S.C. Section 1983

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? City of Philadelphia, Probation Department, University Pennsylvania, Leo Spader, University Police

B. What date and approximate time did the events giving rise to your claim(s) occur? 05/05/2014

Being former postdoc fellow of University of Penn, Bin was wrongly terminated by breaching an employment contract in 2008.
C. Facts: Plaintiff, Bin Kang, was wrongly charged trespass violation as retaliation, at Upenn Campus, University police Leo Spader arrested Kang at his home @ Jenkintown, PA 19046 on 11/28/2012. Failed to receive sufficiency of Defender Venus Foster, Bin forced to plead guilty on 11/21/2013. Bin was charged to be 4 years probation and fine. (civil case: 003192, criminal case MC-51-CR-0048291-2012)
On 04/14/14 Kang called probation officer Dych Timothy to go back China for his father's medical emergency and funeral event.

So Kang ordered air ticket on 4/15/2014. Kang then was told that he can't leave the country for any reason and he was wrongly arrested on 05/05/2014.

Kang was detained at Philadelphia Prison System CFCF for few weeks, then he was transferred to Detention Center.

Kang made complaint through Yan Yan, to the Warden due to insufficient food supply. Then Kang was put into protective custodine and keeps him with insufficient food supply as retaliation.

Case Reported to Warden (215 685 590) on June 24, 2014 (215 685 880)
Case complained to Warden Mr Deleny through Ms Heise on June 26, 2014
Case complained to Office of Inspector General on June 24, 2014,
Social Worker Ms Ali 215 685 8567, Ms Christmas 215 685 8496
Yan was retaliated by Upenn since Yan made discrimination complaints against Upenn.
YAN complained police since Yan's theft case report had never investigated since 2005. Yan was claimed that her lost property were not hers, to prevent Yan from investigation. (Case No: 14-06-24313, 14-06-021273, 14-06-021273, 14-06-07636, 2014-06-021333, ticket no: 3570510-311 office).

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

physical suffering, depression, anxiety, humiliation, embarrassing, defamation, cruel and unusual punishment due to improperly and/or falsely arrest, assault, imprison, inflict emotional stress, retaliation, deprive civil right.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

- Exercise Jurisdiction over this matter
- Award Plaintiff damages, with statutory interest, that are necessary and proper to compensate him for his physical and mental suffering and damages.
- Award Plaintiff punitive damages.
- Award Plaintiff his reasonable reputation damage
- Grant such other relief as the Court deems just, proper and equitable;
- all of which is in excess of \$150,000.⁰⁰

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 27 day of June, 2014.

Signature of Plaintiff Bin kang YAN YAN
Mailing Address 135 N. 9th Street,
Philadelphia, PA 19107

Telephone Number 2674238118 or 2159412265

Fax Number (if you have one) _____

E-mail Address _____

kbin66@hotmail.com or
yy-88@hotmail.com

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this 27 day of June, 2014, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Yan Yan for
Signature of Plaintiff: Bin kang
Inmate Number 1130974

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CASE INFORMATION

Judge Assigned: _____ Date Filed: 11/28/2012 Initiation Date: 11/28/2012
 OTN: N 835576-0 LOTN: _____ Originating Docket No: PARS-MC-51-CR-0048291-2012
 Initial Issuing Authority: _____ Final Issuing Authority: _____
 Arresting Agency: University Of Pennsylvania Pd Arresting Officer: Affiant
 Complaint/Incident #: _____
 Case Local Number Type(s) Case Local Number(s)
 District Control Number 1218067564

STATUS INFORMATION

Case Status	Status Date	Processing Status	Arrest Date
Closed	06/05/2014	Awaiting Violation of Probation Hearing	11/27/2012
	05/14/2014	Completed	
	05/08/2014	Awaiting Violation of Probation Hearing	
	05/06/2014	Awaiting Gagnon I Hearing	
	04/14/2014	Bench Warrant Probation Violation Issued	
	11/21/2013	Sentenced/Penalty Imposed	
	11/21/2013	Awaiting Sentencing	
	11/06/2013	Awaiting Trial	
	07/09/2013	Awaiting Mental Health Evaluation	
	02/15/2013	Awaiting Trial	
	11/28/2012	Awaiting Status Hearing	

Complaint Date: 11/28/2012

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CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Preliminary Arraignment	11/28/2012	5:21 am	B08	Arraignment Court Magistrate Sheila M. Bedford	Scheduled
Emergency Release Hearing	12/04/2012	12:00 pm	1104		Scheduled
Status	12/28/2012	10:00 am	404	Judge Marsha H. Neifield	Scheduled
Status	01/18/2013	9:00 am	406	Judge Dawn A. Segal	Continued
Status	02/15/2013	8:30 am	406	Judge Patrick F. Dugan	Scheduled
Trial	02/26/2013	10:00 am	706	Judge Nazario Jimenez Jr.	Continued
Trial	04/05/2013	10:00 am	706	Judge Karen Y. Simmons	Continued
Trial	05/07/2013	10:00 am	706	Judge Gerard A. Kosinski	Continued
Trial	06/12/2013	10:00 am	706	Judge Craig M. Washington	Scheduled
Status	07/09/2013	9:00 am	406	Judge Teresa Carr Deni	Continued
Status	07/17/2013	9:00 am	1103	Judge Marsha H. Neifield	Continued
Status	09/11/2013	9:00 am	1103	Judge Marsha H. Neifield	Continued
Status	11/06/2013	9:00 am	1103	Judge Marsha H. Neifield	Scheduled
Trial	11/14/2013	10:00 am	706	Judge Patrick F. Dugan	Continued
Trial	11/21/2013	10:00 am	706	Judge James M. DeLeon	Scheduled
Payment Plan Conference	05/05/2014	3:00 pm	1104		Scheduled
Gagnon I Hearing	05/14/2014	9:00 am	888	Trial Commissioner Keith Smith	Scheduled
Violation of Probation	06/02/2014	10:00 am	906	Judge James M. DeLeon	Continued
Add-On/Psychiatric Evaluation	06/05/2014	8:30 am	Mental Health Clinic		Scheduled
Violation of Probation	06/16/2014	10:00 am	806	Judge James M. DeLeon	Scheduled
VOP Hearing	08/04/2014	10:00 am	906	Judge James M. DeLeon	Scheduled

CONFINEMENT INFORMATION

<u>Confinement</u>	<u>Confinement</u>	<u>Destination</u>	<u>Confinement</u>	<u>Still in</u>
<u>Known As Of</u>	<u>Type</u>	<u>Location</u>	<u>Reason</u>	<u>Custody</u>
05/05/2014	County Jail	Detention Center		Yes

DEFENDANT INFORMATION

Date Of Birth: 10/30/1966 City/State/Zip: Jenkintown, PA 19046

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assume any liability for inaccurate or delayed data, errors or omissions on these reports. Docket Sheet information should not be used in place of a criminal history background check which can only be provided by the Pennsylvania State Police. Moreover an employer who does not comply with the provisions of the Criminal History Record Information Act may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

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CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Kang, Bin
Probation Officer	Dych, Timothy

BAIL INFORMATION**Kang, Bin****Nebbia Status: None**

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
Set	11/28/2012	Monetary	10.00%	\$20,000.00		
Increase Bail Amount	09/11/2013	Monetary	10.00%	\$100,000.00		
					Partial Posting	12/01/2012

CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1		18 § 3503	Def Tres Actual Communication to Leave School	11/16/2012	N 835576-0

DISPOSITION SENTENCING/PENALTIES**Disposition**

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u> <u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>
<u>Sentence Conditions</u>		

Proceed to Court

Preliminary Arraignment	11/28/2012	Not Final
1 / Def Tres Actual Communication to Leave School	Proceed to Court	18 § 3503 §§ B1v

Guilty Plea - Negotiated

Trial	11/21/2013	Final Disposition
1 / Def Tres Actual Communication to Leave School	Guilty Plea - Negotiated	18 § 3503 §§ B1v
DeLeon, James M.	11/21/2013	
Probation	Max of 4.00 Years 4 years	11/21/2013

first two years of probation to be reporting, last two years to be non-reporting
to be supervised by the Mental Health Unit
to remain on prescribed medications for the duration of probation period
protective order against University of Pennsylvania issued

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COMMONWEALTH INFORMATION

Name: Philadelphia County District Attorney's
 Office
 Prosecutor

Supreme Court No:Phone Number(s):

215-686-8000 (Phone)

Address:

3 South Penn Square
 Philadelphia, PA 19107

ATTORNEY INFORMATION

Name: Venus Foster
 Court Appointed

Supreme Court No: 090803Rep. Status: ActivePhone Number(s):

215-552-8858 (Phone)

215-498-5792 (Office)

Address:

Law Ofc of Michael Coard
 1650 Market St Fl36
 Philadelphia, PA 19103-7334

Representing Kang, Bin

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	11/28/2012		Municipal Court - Philadelphia County
PARS Transfer			
2	11/28/2012		Bedford, Sheila M.
Bail Set - Kang, Bin			
1	12/01/2012		Kang, Bin
Bail Posted - Kang, Bin			
3	12/28/2012		Neifield, Marsha H.
Order Granting Motion for Continuance			
Commonwealth discovery passed			
Requests a forthwith Psych			
Next Court date: 1/18/13, Rm 406			
PD / T.C. Floyd / Ct Clk: L. Goffe, Rm 404 CJC			

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3	01/18/2013		Segal, Dawn A.
Order Granting Motion for Continuance			
FORTHWITH MENTAL HEALTH EVALUATION ORDERED FOR COMPETENCY AT BAR OF COURT			
STAY AWAY ORDER IN AFFECT FOR PROFESSOR KEENE AND ANY UNIVERSITY OF PENNSYLVANIA STAFF			
MEMBERS			
DEFENDANT IS TO BE COMPLIANT WITH TREATMENT AS A CONDITION OF BAIL			
STATUS OF MENTAL HEALTH			
NCD:2/15/13 ROOM 406			
ADA:AYERS, PD: BLENDER, STENO:MCNEELY, CLERK: BRADY,JUDGE:SEGAL			
2	02/15/2013		Dugan, Patrick F.
Order Granting Motion for Continuance			
DEFENDANT FOUND TO BE COMPETENT TO PROCEED			
TIME RULED EXCLUDABLE			
STAY AWAY ORDER IN AFFECT			
LIST FOR TRIAL			
NCD:2/26/13 ROOM 706			
ADA:AYERS, PD: NGEE, STENO:MCNEELY, CLERK: BRADY,JUDGE:DUGAN			
3	02/15/2013		Municipal Court - Philadelphia County
Trial Scheduled 2/26/2013 10:00AM			
1	02/26/2013		Jimenez, Nazario Jr.
Order Granting Motion for Continuance			
PD conflict, court to appoint new counsel			
Manderin interpreter needed			
Commonwealth ready on call			
time ruled excludible			
ncd: 4/5/13 room 706			
ADA: Manteiga/Wright/Lindeen, PD: Evans, Steno: Harris, Clerk: McCoach, Hon. Jimenez, Jr.			
2	02/26/2013		MC Courtroom Operations
Trial Scheduled 04/05/2013 10:00AM			
1	03/01/2013		Foster, Venus
Entry of Appearance			
1	04/05/2013		MC Criminal Listing Department
Trial Scheduled 05/07/2013 10:00AM			
4/5/13 Approved by Hon. Simmons per GT Cunningham, defense advance request.			

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4	04/05/2013		Simmons, Karen Y.
Order Granting Motion for Continuance Advance Defense Request			
Defense request for further preparation Commonwealth ready on call Discovery mailed to attorney Must be tried Defense			
NCD: 5/7/13 Room 706			
Hon. K. Simmons ADA: L. Lindeen ATTY: V. Foster STENO: B. Harris CLERK: K. Dandy			
1	05/07/2013		MC Courtroom Operations
Trial Scheduled 06/12/2013 10:00AM			
4/5/13 Approved by Hon. Simmons per GT Cunningham, defense advance request.			
3	05/07/2013		Kosinski, Gerard A.
Order Granting Motion for Continuance Defense Request			
Defense request for further investigation Commonwealth ready on call Mandrian intrepeter needed			
NCD: 6/12/13 Room 706			
Hon. G. Kosinski ADA: L. Lindeen ATTY: V. Foster STENO: B. Harris CLERK: K. Dandy			

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1	06/12/2013		Washington, Craig M.
<p>Order Granting Motion for Continuance</p> <p>Commonwealth ready</p> <p>Defense request further investigation for trial</p> <p>Discovery complete</p> <p>Offer rejected</p> <p>Forthwith FIR evaluation ordered</p> <p>Stay away ordered issued</p> <p>Attorney ordered attached next listing</p> <p>Time ruled excludable</p> <p>EPD: 7/5/13 -- joint request later date</p> <p>NCD: 7/9/13 room 406 for protracted trial</p> <p>ADA: L. Lindeen, Defense: V. Foster, Steno: B. Harris, Clerk: P. Kriebel, Judge: Hon. C. Washington -- defendant notified of next listing</p>			
1	07/09/2013		Deni, Teresa Carr
<p>Mental Health Evaluation Ordered</p> <p>A FORTHWITH Psychiatric Evaluation is ordered for competency, placement and treatment (Court to receive phone call in courtroom if defendant is competent to stand trial)</p> <p>Hon. Teresa Carr Deni</p> <p>ADA- Lance Lindeen/ Def- Venus Foster, Esq/ Ct. Rept- Kris Vargas/ Ct. Clk- Lisa Corbitt</p> <p>EODIE- defendant is incompetent</p> <p>List for status before Judge Neifield for medicines and treatment.</p> <p>A Stay Away Order remains in effect</p> <p>NCD- 07/17/2013 Rm 1103.</p>			

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2	07/17/2013		Neifield, Marsha H.
Order Granting Motion for Continuance CASE LISTED FOR MENTAL HEALTH COURT DEFENDANT IS INCOMPETENT RECOMMENDED OUT PATIENT TREATMENT. CONDITION OF BAIL IS DEFENDANT TO SEEK FOR MEDICAL TREATMENT. MENTAL HEALTH EVALUATION FOR COMPETENCY PERFORMED BY DOCTOR STANTON. MANDERIAN INTERPITOR DUANTONG ZENG REQUIRED TO STAND IN STAY AWAY ORDER STILL REMAINS CONTINUE FOR FURTHER STATUS NEXT COURT DATE 9/11/13 ROOM: 1103 DATE IS EARLIEST POSSIBLE DATE REQUESTED DEFENDANT ON BAIL/SIGNED SUBPOENA HONORABLE: MARSHA NEIFIELD ADA: DAVE AYERS ATTN: VENUS FOSTER STENO: KRIS VARGAS CLERK: KIM FORD			
3	09/11/2013		Neifield, Marsha H.
Order Granting Motion for Modification of Bail - Kang, Bin			
4	09/11/2013		Neifield, Marsha H.
Order Granting Motion for Continuance CASE LISTED FOR MENTAL HEALTH COURT DEFENDANT INCOMPETENT DEFENDANT NOT IN COMPLIANCE WITH PROGRAM AND TREATMENT COMMONWEALTH MOTION TO INCREASE BAIL IS GRANTED. BAIL INCREASED TO \$100,000 (ONE HUNDRED THOUSAND DOLLARS AT 10 PERCENT) CONDITION OF BAIL IF POSTED IS DEFENDANT TO COMPLY WITH MENTAL HEALTH TREATMENT AND TAKE ALL REQUIRED MEDICINE PRESCRIBED BY DOCTORS COMMIT FOR 60 DAYS TO FORENSIC UNIT OF DETENTION CENTER VIA 304/402B CONTINUE FOR FURTHER STATUS NEXT COURT DATE 11/6/13 ROOM: 1103 DATE IS EARLIEST POSSIBLE DATE REQUESTED HONORABLE: MARSHA NEIFIELD ADA: DAVE AYERS ATTN: VENUS FOSTER STENO: KRIS VARGAS CLERK: KIM FORD			

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1	11/06/2013		Neifield, Marsha H.
Order Granting Motion for Continuance CASE LISTED FOR MENTAL HEALTH COURT DEFENDANT COMPETENT RE-COMMIT FOR 60 DAYS TO FORENSIC UNIT OF DETENTION CENTER VIA305/405 CONTINUE FOR POSSIBLE NON TRIAL DISPOSITION LIST FOR TRIAL NEXT COURT DATE 11/14/13 ROOM 706 DATE IS EARLIEST POSSIBLE DATE REQUESTED TIME RULED EXCLUDABLE HONORABLE: MARSHA NEIFIELD ADA: DAVE AYERS ATTN: VENUS FOSTER STENO: NANCY McNEELY CLERK: KIM FORD			
2	11/06/2013		MC Courtroom Operations
Trial Scheduled 11/14/2013 10:00AM			
1	11/14/2013		MC Courtroom Operations
Trial Continued			
2	11/14/2013		MC Courtroom Operations
Trial Scheduled 11/21/2013 10:00AM non-trial			
4	11/14/2013		Dugan, Patrick F.
Order Granting Motion for Continuance Commonwealth ready on call Defense ready Guilty plea held until next listing Mandarin interpreter required Time ruled excludable NCD: 11/21/13 room 706 for guilty plea only ADA: L. Lindeen, Defense: V. Foster, DRT: D. Westfield, Clerk: P. Kriebel, Judge: Hon. P. Dugan -- defendant in custody			
1	11/21/2013		Yan, Yan
Miscellaneous Motion Filed Defendant's motion to remove court appointed counsel			

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2	11/21/2013		DeLeon, James M.
Guilty Plea - Negotiated			
Negotiated Guilty Plea: sentenced to 2 years reporting probation to be followed by 2 years non-reporting probation -- to be supervised by the Mental Health Unit -- to remain on prescribed medications for duration of probation sentence -- protective order against University of Pennsylvania issued -- court costs to be paid within 4 years -- supervision fees waived			
ADA: L. Lindeen, Defense: V. Foster, DRT: S. Albergotti, Clerk: P. Kriebel, Judge: Hon. J. DeLeon			
3	11/21/2013		DeLeon, James M.
Order - Sentence/Penalty Imposed			
Negotiated Guilty Plea: sentenced to 2 years reporting probation to be followed by 2 years non-reporting probation -- to be supervised by the Mental Health Unit -- to remain on prescribed medications for duration of probation sentence -- protective order against University of Pennsylvania issued -- court costs to be paid within 4 years -- supervision fees waived			
ADA: L. Lindeen, Defense: V. Foster, DRT: S. Albergotti, Clerk: P. Kriebel, Judge: Hon. J. DeLeon			
1	12/24/2013		Municipal Court - Philadelphia County
Bail Refund			
1	04/14/2014		Dembe, Pamela Pryor
Bench Warrant Probation Violation - Issued			
VOP			
PP#1130974			
PO T.DYCH			
UNITMH			
215-683-1359			
1	05/06/2014		Philadelphia County Adult Probation Department
Gagnon I Hearing Scheduled 05/14/2014 9:00AM			
1	05/13/2014		Philadelphia County Adult Probation Unit
Gagnon 1 Summary Filed			
1	05/14/2014		Smith, Keith
Bench Warrant Probation Violation - Lifted			

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2	05/14/2014		Smith, Keith
Detainer Issued T/C: Keith Smith Clerk of Court Jeff Kostic/Tracey Roselle Violation of Probation Arrest Warrant is lifted. Detainer is issued. Detainer to remain. pending GAGNON 2 (VOP) hearing before Judge Defendant notified of the next Court date			
1	06/02/2014		DeLeon, James M.
VOP Continued To Date Certain Forwith Pysch evaluation ordered detainer to remain Continued to 06/16/2014 room 806 ADA: Lauren Katona Helen Park PD Juila Theobald Steno Heidi Roth Clerk: Maddie Antinucci Judge DeLeon			
1	06/16/2014		DeLeon, James M.
VOP Continued To Date Certain VIOLATION OF PROBATION Defendant has open bills Violation of probation hearing continued Detainer to remain Next court date 8.4.14 room #906 Defendant is in local custody Judge: James M. DeLeon; ADA: Friend-Kelly; PD: Wasilczuk; Steno: Phy; Clerk: Hancock			
2	06/23/2014		Yan, Yan
Motion for Removal of Counsel			

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CASE FINANCIAL INFORMATION

Last Payment Date: 12/24/2013

Total of Last Payment -\$600.00

Kang, Bin Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary</u> <u>Payments</u>	<u>Total</u>
Costs/Fees					
Bail Bond (Philadelphia)	\$10.00	-\$10.00	\$0.00	\$0.00	\$0.00
ATJ	\$3.00	\$0.00	\$0.00	\$0.00	\$3.00
Booking Center Fee (Philadelphia)	\$175.00	\$0.00	\$0.00	\$0.00	\$175.00
CJES	\$2.25	\$0.00	\$0.00	\$0.00	\$2.25
CQS Fee Misdemeanor (Philadelphia)	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$9.60	\$0.00	\$0.00	\$0.00	\$9.60
Costs of Prosecution - CJEA	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
County Court Cost (Act 204 of 1976)	\$31.20	\$0.00	\$0.00	\$0.00	\$31.20
Crime Victims Compensation (Act 96 of 1984)	\$35.00	\$0.00	\$0.00	\$0.00	\$35.00
Domestic Violence Compensation (Act 44 of 1988)	\$10.00	\$0.00	\$0.00	\$0.00	\$10.00
Firearm Education and Training Fund	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
JCPS	\$10.25	\$0.00	\$0.00	\$0.00	\$10.25
Judicial Computer Project	\$8.00	\$0.00	\$0.00	\$0.00	\$8.00
State Court Costs (Act 204 of 1976)	\$11.20	\$0.00	\$0.00	\$0.00	\$11.20
Victim Witness Service (Act 111 of 1998)	\$25.00	\$0.00	\$0.00	\$0.00	\$25.00
Bail Poundage (Philadelphia)	\$600.00	-\$600.00	\$0.00	\$0.00	\$0.00
Costs/Fees Totals:	\$1,035.50	-\$610.00	\$0.00	\$0.00	\$425.50
Grand Totals:	\$1,035.50	-\$610.00	\$0.00	\$0.00	\$425.50

** - Indicates assessment is subrogated



Exhibit II
FIRST JUDICIAL DISTRICT OF PA
COURT OF COMMON PLEAS
TRIAL DIVISION CRIMINAL

CHARLES J. HOYT
CHIEF PROBATION OFFICER

ADULT PROBATION AND PAROLE DEPARTMENT
1401 ARCH STREET
PHILADELPHIA, PA 19102
PHONE: (215) 683-1281 FAX: (215) 683-1280
WEB: <http://www.court.phila.gov>

GAGNON I SUMMARY

5/13/2014

TO: Trial Commissioner	DOCKET: MC-51-CR-0048291-2012
STATUS: CUSTODY	INMATE #: 1409397
LOCATION: DC	Warrant: 51-BV-0005224-2014
ISSUE: 04/14/2014	LODGE: LIFT:
PID: 1130974	SID: 40337148
OFFENDER: KANG, BIN	
OFFICER: Dych, Timothy	PHONE: (215) 683-1358
TEAM: MentalHealth	
START: 11/21/2013	END: 11/21/2017
SUPERVISOR: Palmer, Jeannette	PHONE: (215) 683-1362

The subject is currently sentenced on the following by The Honorable DeLeon, James M.

18-3503-B1v - Def Tres Actual Communication to Leave School

to: **4 YRS PROBATION, FIRST 2 YRS PROBATION TO BE REPORTING, LAST TWO YRS TO BE NON REPORTING, MH SUPERVISION, TO REMAIN ON PRESCRIBED MEDICATIONS FOR DURATION OF PROBATION PERIOD, PROTECTIVE ORDER AGAINST UNIVERSITY OF PENNSYLVANIA ISSUED, SFW**

Conditions:

Mental Health Unit

Stay away order from University of Pennsylvania imposed

Case can be non reporting for last two years.

Fines and Costs:

Balance: 365.50

Paid:\$0

DIRECT VIOLATIONS

POTENTIAL DIRECT VIOLATIONS

OTHER JURISDICTION VIOLATIONS

DRUG TESTING RESULTS

2014 JUN 28 A 11:20
USDC-EDPA
REC'D CLERK

DATE: 4/8/2014 ID: 6001375582 Negative

EMPLOYMENT STATUS

AS-OF 11/22/2013 - Unemployed -

SUPERVISION SUMMARY

Mr. Kang reported as scheduled.

A mental health evaluation was never ordered in this case.

Mr. Kang never enrolled in mental health treatment. Due to his immigration status he was never able to receive medical benefits.

On 4/14/14 I received the following correspondences from Detective Leo Spaeder of The University:

UPDATE**PRIORITY RESPONSE # 2013 – 56**

Please respond to any calls for assistance in Lynch Labs, College Hall or the Duhring Wing of the Furness Building. Kang was fired by the university in 2006 and has been harassing assorted university staff members since then. He was officially notified on 11/11/10 that he is not permitted on campus, or to have any contact with university staff. He was arrested on 1/14/11 for summary trespass at 4040 Chestnut Street and again on 11/16/13 for misdemeanor trespass at the Furness Building. He pled guilty to the misdemeanor arrest on 11/21/13 and as part of his sentence a stay away order was issued that will be in effect till 11/21/17. This stay away order includes both Kang and his wife Yan Yan. They are not permitted in any university buildings or have any personal or electronic contact with any university staff members or visit their homes in or outside Philadelphia. A copy of the stay away order is on file in Penn Comm under MC#51-CR-0048291-2012.

On 4/8/14 Bin Kang has made numerous phone calls threatening to visit Penn's campus. He was reminded of the above court order and he responded that he did not care and was not bound by any U.S. Laws and would be contacting the University regardless of the court's order. If seen on campus he is to be arrested and brought to Penn's H.Q. and the assigned contacted.

Bin Kang 41 a/m, 5'4", 140 lbs □□□ Yan Yan 39 a/f, 5'2", 100 lbs
The Colonnade Apartments, 100 Old York Rd, Apt E419, Jenkintown Pa 19046
DOB 10/30/66 DOB 4/4/71
Pa OLN 27485710 Pa OLN 27852236

Detective Leo Spaeder # 77, University of Pennsylvania Police Department
4040 Chestnut Street, Philadelphia, Pa. 19104, Office # (215) 898 – 4485 or (215) 573 -
3333
4/8/14

On 4/14/14 Mr. Kang called me and reported that was going to China to see his father. I instructed him that he was not allowed to leave the city, let alone the country and that a warrant would be issued.

An absconder warrant was issued on 4/14/14.

On 4/15/14 I received a forwarded email from Det. Spaeder from Bing Kang with a Travelzoo flight itinerary with the name Bing Kang with a flight to Beijing China leaving on 4/15/14.

On 5/5/14 Mr. Kang was taken into custody when he reported to The Probation Department.

Inside Phila. Arrests / Convictions: 1 / 1 Outside Phila. County Arrests / Convictions: 0 / 0

RECOMMENDATION

It is respectfully recommended that the detainer be held in force pending a violation hearing before Judge Deleon.

Reviewed and Approved by



Palmer, Jeannette

5/13/2014 7:55:06 AM

TEAM: MentalHealth

EMAIL: Jeannette.Palmer@courts.phila.gov

PO EMAIL Tim.Dych@courts.phila.gov

OFFICE OF THE INSPECTOR GENERAL
COMPLAINT FORM

COMPLAINT
NUMBER _____

Source of Complaint

- ☒ City Department/Employee
☐ Contractor/Vendor
☐ Resident
☐ Business Owner
☒ Government Agency
☐ Other

Received: ☐ Mail ☐ Telephone ☐ Web/E-mail ☒ Walk-in ☐ Other

Date: 6/4/2014 Time: 4:55 Interviewer: _____

Complainant: Discrimination treatment at CF CF and Detention center based on race and national of origin

Address: 135 N. Ninth Street, Philadelphia, PA 19107 Telephone: 215 941 2265

E-Mail: YY_88@hotmail.com

City Employee/Vendor Involved: City prison system CF CF Detention Center PR#: _____

Department: CF CF, Detention Center Dept No. _____ Unit: _____

Date of Incident: 2013 - 2014 June 23 Location of Incident: CF CF Detention center

Persons Involved: Kang Bin was abused with bruise on his forearm at CF CF

Bin Kang lost weight for ^{more than} 10 Lb by ~~pro~~ insufficient edible food.

After cash deposite, Bin was not get sufficient edible food either.

Nature of Allegation: Bin was the only one asian prisoner at CF CF 2013-2014

Complaint found bruise on Bin's forearm when he was kept at CF CF in 2013.

In June 2014, Bin was kept at Detention Center, Complaint visited him last week and found he lost more than 10 Lb weight, clearly he was not provide sufficient edible food, and complaint received Bin's call for plozens of time, but due to cell phone plan ended, complainant failed to get contactation of Bin. Complainant Yan called Detention Center, she was threaten to be arrested, she was threaten to wrongly charged as harasser.

Social Worker Mr ALi 215 685 8567

Action Taken: _____

Date of Referral (if applicable): _____

Complaint Key: _____ Closing Date: _____

Complaint Keys:

AUDIT•BACKGRND•BRIBERY•COMPUTER•CONFLICT•DEPT•DRINKING•DRUGS•EMPLOYEE•EXTORT•FRAUD•MISCELL•MISCNDCT•NO/ACT•NO/WORK•PAYOFF•RESIDENT•SIGNIF•TELEPHON•TEST•THEFT•TIME•TRASH•VEHICLES

Trustee of University
of Pennsylvania

VS

Bin Kay, Ph.D

Case No: MC-51-CR-

0048291-2012

RECEIVED

JUN 23 2014

ACTIVE CRIMINAL RECORDS
CRIMINAL MOTION COURT

Defendant's motion to remove Counsel.

Defendant petitions this Court to remove the current defender Venus Foster. She failed to provide any assistance during Trial, and she brought a lot of harassment and stress to Defendant which caused Defendant suffered a lot. She, Foster, brought discriminatory comments against Defendant ^{based on his race, national of origin,} which damaged Defendant's civil right and violated -42 USC. §1983 Equal Protection Clause.

Therefore, Defendant petitions respectively to this court to remove the current Defender, Ms Venus Foster. Respectively submitted,

Dated on June 23, 2014

By Yan Yan
For Bin Kay

pro se.
135 N 5th Street, Phila.

Trustee of University Pennsylvania
Plaintiff

Case No:

VS

RECEIVED

MC-51-CR-0048291-2012

JUN 26 2014

Bin Kang, PhD Defendant

ACTIVE CRIMINAL RECORDS
CRIMINAL MOTION COURT

Defendants motion to Sanctions and Dismiss
the Complaints of Plaintiff.

Defendant, Bin Kang, was employee (postdoc fellow) at University Pennsylvania (Upenn) since 2002 to 2006. Plaintiff treated Defendant worse by harassing and disturbing his efforts on Biology Research. Though Defendant worked diligently and productively, he failed to publish his discoveries on phytochrome signaling mechanisms.

Defendant Kang was wrongly terminated in 2006 by breaching an employment contract. Kang filed a lawsuit against Plaintiff in 2010 Feb (Case No. 003192, 2012 Feb).

Plaintiff complained Kang to violate trespass and violate probation on 11/28/2014. The university police arrested Bin at home and Bin's case lasted more than 365 days. so far, the trial is still on going. Since plaintiff's complaint violated Rule 600(A) According to Rule 600(D), the complaint should be dismissed.

Besides, the complaint claimed that Bin violated trespass to the campus, however, the Plaintiff University Police didn't catch Bin at campus, but arrested him at his home, which could not support the complaint claim. University Police have no authority in working out of university's circumstance. Thus, they came to Defendant's home, which is out of their duty and can be seen as harassment. Def was wrongly charged by the probation officer. Bin was misled by probation officer, and Bin cancelled air ticket right after he learned the mistake. Therefore, Defendant's motions to this Court to dismiss the complaint due to violation of Rule 600 (A) and due to lack of evidence to support its complaint.

Respectively submitted,

Dated on June 25, 2014,

By Yan YAN

for Bin Kay

135 N 9th Street,
Philadelphia, PA 19107

BTW, Yan was harassed at the office of Inspector General to make her complaint. Yan was threatened to be arrested for making this complaint.

We don't see any thing that showed Bin had violated his probation. The information of probation office is not sufficient to support his claim.

OFFICE OF THE INSPECTOR GENERAL
COMPLAINT FORMCOMPLAINT
NUMBER _____

Source of Complaint

- ☒ City Department/Employee
☐ Contractor/Vendor
☐ Resident
☐ Business Owner
☒ Government Agency
☐ Other

Received: ☐ Mail ☐ Telephone ☐ Web/E-mail ☒ Walk-in ☐ OtherDate: 6/24/2014 Time: 4:55 Interviewer: _____Complainant: Distrimination treatment at CFCE and Detention center based on race and national of originAddress: 135 N. Ninth Street, Philadelphia, PA 19107 Telephone: 215 941 2265E-Mail: YY_88@hotmail.comCity Employee/Vendor Involved: City prison system CFCE Detention Center PR#: _____Department: CFCE, Detention Center Dept No. _____ Unit: _____Date of Incident: 2013 - 2014 June²³ Location of Incident: CFCE Detention centerPersons Involved: Kang Bin was abused with bruise on his forearm at CFCE

Bin Kang lost weight for ^{more than} 10 Lb by ~~pro~~ insufficient edible food.
After cash deposite, Bin was not get sufficient edible food either.
(Listen to complaint first-who, what, when, where, why)

Nature of Allegation: Bin was the only one asian prisoner at CFCE 2013-2014
Complaint found bruise on Bin's forearm when he was kept at CFCE in 2013.

In June 2014, Bin was kept at Detention Center. Complaint visited him
last week and found he lost more than 10 Lb weight, clearly he was
not provide sufficient edible food, and complaint received Bin's call
for plozens of time, but due to cell phone plan ^{ended}, complainant failed to
get contactation of Bin. Complainant Yan called Detention Center, she was threaten
(Witnesses (to include telephone numbers): to be arrested, she was threaten to wrongly
changed as harassment ~~ment~~

Social Worker Mr ALi 215 685 8567

Action Taken: _____

Date of Referral (if applicable): _____

Complaint Key: _____ Closing Date: _____

Complaint Keys:

 AUDIT•BACKGRND•BRIBERY•COMPUTER•CONFLICT•DEPT•DRINKING•DRUGS•EMPLOYEE•EXTORT•FRAUD•MISCELL•MISCNDC
 T•NO/ACT•NO/WORK•PAYOFF•RESIDENT•SIGNIF•TELEPHON•TEST•THEFT•TIME•TRASH•VEHICLES